



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington DC 20005-3096

COPY MAILED

APR 21 2004

In re Application of
Dhawan
Application No. 10/658,191
Filed: September 10, 2003
Attorney Docket No. 57357-069
For: MULTIPHASE MOTOR WINDING
TOPOLOGY AND CONTROL

OFFICE OF PETITIONS
DECISION GRANTING
PETITION

This is a decision on the petition filed February 11, 2004 requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed December 12, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on September 10, 2003. On December 12, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that drawing figures 3, 5, 6 and 8 described in the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that drawing figures 3, 5, 6 and 8 be accorded a filing date of September 10, 2003 on the basis that 8 pages of formal drawing figures, including drawing figures 3, 5, 6 and 8, were received in the Patent and Trademark Office (PTO) on September 10, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing September 10, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 8 pages of formal drawings. A review of the application file reveals that only 4 pages of formal drawing figures are present.

The return postcard constitutes *prima facie* evidence that 8 pages of formal drawing figures, including drawing figures 3, 5, 6 and 8, were filed on September 10, 2003. MPEP 503. Accordingly, the request is granted.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 10, 2003**, using the copy of figures 3, 5, 6 and 8 submitted with the instant petition. Office records will be corrected to show that 8 pages of formal drawing figures were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy